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December 21, 2005

BY HAND

Marlene H. Dortch, Secretary
Federal Communications Commission
c/o Natek, Inc., Inc.
236 Massachusetts Avenue, N.E., Suite 110
Washington, DC 20002

Attn: Wireline Competition Bureau

Re: *Telefónica Larga Distancia de Puerto Rico, Inc.*
Petition for Expedited Declaratory Ruling

Dear Ms. Dortch:

On December 20, 2005, Telefónica Larga Distancia de Puerto Rico, Inc. filed with the Commission a Petition for Expedited Declaratory Ruling ("Petition"). Enclosed for filing in connection with the Petition are: (1) the original signature page of the Declaration of Rodrigo Angulo Gómez-Marañón, Exhibit A to the Petition; and (2) errata pages reflecting a revised certificate of service and minor typographical revisions to the Table of Contents and pages 11 and 18. Due to a clerical error and the overnight courier's treatment of Puerto Rico as an international destination, service on certain persons as indicated on the revised certificate of service has been delayed by one day.

RECEIVED

DEC 21 2005

Federal Communications Commission
Office of Secretary

Marlene H. Dortch, Secretary
December 21, 2005
Page 2

The original and four copies of this filing are being submitted. Please do not hesitate to contact me with any questions.

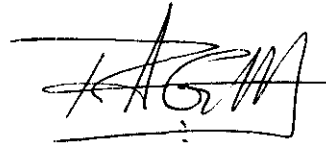
Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brett A. Snyder", with a stylized, flowing script.

Brett A. Snyder
*Attorney for Telefónica Larga Distancia de
Puerto Rico, Inc.*

Enclosures

10. I have read and am familiar with the Petition for Expedited Declaratory Ruling to which this Declaration is appended and is to be filed with the Federal Communications Commission. The facts alleged therein are true and correct to the best of my knowledge and belief.

A handwritten signature in black ink, appearing to be 'RAGM', written over a horizontal line.

Rodrigo Angulo Gómez-Marañón

Dated: December 20, 2005

CERTIFICATE OF SERVICE

I hereby certify that I have on this 20th day of December 2005 served a copy of the foregoing Petition for Expedited Declaratory Ruling on the following persons by first-class mail, unless otherwise noted:

Hon. Anibal Acevedo-Vilá
Governor
Commonwealth of Puerto Rico
PO Box 9020082
San Juan, PR 00902-0082

Hon. Roberto Sánchez Ramos
Secretary of Justice
Department of Justice
Commonwealth of Puerto Rico
PO Box 909192
San Juan, PR 00902-9192

Douglas Meredith (overnight delivery)
John Staurulakis, Inc.
547 Oakview Lane
Bountiful, UT 84010

Thomas Navin
Chief, Wireline Competition Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

I hereby certify that I have on this 21st day of December 2005 served a copy of the foregoing Petition for Expedited Declaratory Ruling on the following persons by overnight delivery:

Ciorah J. Montes Gilormini, Secretary
Telecommunications Regulatory Board of Puerto Rico
Capital Center Building II (North Tower), 10th Floor
235 Arterial Hostos Avenue
San Juan, PR 00918-1453

Miguel Reyes Dávila, President
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Brett A. Snyder

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The Commission has reiterated this consumer focus in subsequent rulemakings on the Act. It has stated that a general principle underlying the 1996 Act is that making telecommunications markets competitive will “bring new packages of services, lower prices and increased innovation” to consumers.²⁴

C. Puerto Rico Board Approval of the Single Zone Plan Would Violate Section 253(a).

1. The Single Zone Plan Violates Section 253(a) Because It Has the Effect of Prohibiting the Ability of TLD and Others to Provide Intrastate Telecommunications Service in Puerto Rico.

Section 253(a) states:

No State²⁵ or local statute or regulation, or other State or local legal requirement, may *prohibit or have the effect of prohibiting* the ability of any entity to provide any interstate or *intrastate* telecommunications service.²⁶

Because the Commission and reviewing courts have recognized that enforcement of Section 253 is essential to implementation of the pro-competitive goals of the 1996 Act, they have construed these provisions broadly. The Commission has stated:

[U]ntil passage of the 1996 Act, states could and did award monopoly status to certain firms to provide service in prescribed areas within the state. Pursuant to section 253, such state actions are no longer permissible. Through this provision, Congress sought to ensure that its national competition policy for the telecommunications industry would indeed be the law of the land and could not be frustrated by the isolated actions of individual municipal authorities or states. . . .²⁷

²⁴ See *Implementation of the Local Competition Provisions in the Telecommunications Act of 1996*, 11 FCC Rcd 15499, 15506 (1996).

²⁵ The term “State” includes Puerto Rico. See 47 U.S.C. § 153(40).

²⁶ 47 U.S.C. § 253(a) (italics added).

²⁷ *In re Pub. Util. Comm’n of Tex.*, 13 FCC Rcd 3460, 3463 (1997).

the monopoly were feasible and economical, TLD and others will have no intrastate customer base or revenue during the period it would take to establish a presence in the local exchange market.

Moreover, TLD cannot rely on providing intrastate service to customers of competitive local exchange carriers. According to the 2005 Local Competition Report, almost 10 years after the passage of the 1996 Act, there is only *one* facilities-based competitive local exchange carrier of any size in Puerto Rico.⁴⁹ However, this carrier only provides service to business customers and only competes in 20% of the zip code areas on the island.⁵⁰ Therefore, the timetable for getting established in the local exchange market could be protracted. There is scant opportunity to provide intrastate service to business customers, much less to the residential market in which PRTC has a monopoly.

Finally, there should be no reason that a telecommunications service provider that provides service in one market—here the intrastate market—should be required to enter another market—the local exchange market—to continue operating its core business due to distortions in the market. However, if the Puerto Rico Board were to allow the mandatory, bundled-service Single Zone Plan to be implemented, TLD and other intrastate service providers would be required to do just that.

The Single Zone Plan would be a giant step back from competition and towards the dark days of an island-wide PRTC monopoly. First, the mandatory nature of the plan allows PRTC to leverage its current monopoly in the residential local exchange services

⁴⁹ See *Local Telephone Competition: Status as of December 31, 2004* at Table 12 (July 2005), attached hereto as Exhibit E.

⁵⁰ See *id.* at Table 16; Letter from N. Victory to J. Carlisle, at 1, attached hereto as Exhibit C.

CERTIFICATE OF SERVICE

I hereby certify that I have on this 21st day of December 2005 served a copy of the foregoing on the following persons by first-class mail, unless otherwise noted:

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